

CCS#2 HCS SCS SB 754 -- PROFESSIONS, CEMETERIES, AND THE MISSOURI EATING DISORDER COUNCIL

This bill changes the laws regarding the electronic death registration system; an asset exemption for certain prearranged funeral and burial contracts; supply of prescriptions; physician reimbursement rates; endowed care cemeteries; regulations of the Department of Insurance, Financial Institutions and Professional Registration; and residential care facilities and establishes the Missouri Eating Disorder Council.

ELECTRONIC DEATH REGISTRATION SYSTEM (Sections 193.145 and 193.265, RSMo)

All data providers in the death registration process, including the State Registrar, local registrars, medical examiners, coroners, funeral directors, embalmers, sheriffs, physicians, chief medical officers of licensed health care facilities, and other institutions providing medical care, are required to use an electronic death registration system within six months of it being certified by the Director of the Department of Health and Senior Services or his or her designee to be operational and available to all data providers.

The State Registrar may adopt pilot programs or voluntary electronic death registration programs until the system can be certified. However, no pilot or voluntary program can prevent the filing of a death certificate with the local registrar or the ability to obtain a certified copy of a death certificate under current law until six months after the system is certified as operational.

DISPENSING OF PRESCRIPTIONS (Section 195.080)

The bill specifies that the current limitation on the number of days of supply that a prescription can be dispensed based on which schedule of controlled substances the drug is listed will not apply if the prescription is dispensed directly to a member of the United States armed forces serving outside the United States.

ASSET EXEMPTION FOR CERTAIN PREARRANGED FUNERAL AND BURIAL CONTRACTS (Section 208.010)

The bill specifies that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary or the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under Chapter

436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract.

PHYSICIAN REIMBURSEMENT RATES (Section 208.198)

Subject to appropriations, the Department of Social Services must establish a reimbursement rate for services rendered by physicians and optometrists to MO HealthNet Program participants which provides equal reimbursement for the same or similar services.

ENDOWED CARE CEMETERIES (Sections 214.160 - 214.550)

The bill:

- (1) Allows a county commission that serves as the trustee of a trust fund for a cemetery to invest moneys in the fund in certificates of deposit;
- (2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;
- (3) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;
- (4) Requires any person, entity, association, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;
- (5) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services or for graves, cemetery markers, crypts, and other burial receptacles but prohibits them from adjusting or establishing the price of items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price

of certain products are revised;

(6) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(7) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock. If the division does not disapprove, the operator may complete the transaction;

(8) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded with certain exceptions;

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund or escrow account if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency. The cemetery operator may appeal the suspension; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership. Currently, this applies only to a cemetery in St. Louis City.

AUTHORIZATION FOR DISABLED LICENSE PLATES (Section 301.142)

Physician assistants are added to the list of health care professionals who are authorized to furnish a physician's statement to a person in order to obtain a disabled license plate or placard.

SUPERVISION REQUIREMENTS FOR PHYSICIAN ASSISTANTS (Section 334.735)

The State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration is prohibited from requiring additional supervision requirements for a physician and physician assistant team prior to working in a rural health clinic as defined by the federal Rural Health Clinic Services Act if a waiver has been granted by the board and the minimum federal supervision standards are met.

A physician assistant cannot prescribe or dispense any drug, medicine, therapy, or device unless he or she is in a collaborative agreement with a supervising physician. Currently, a physician assistant must consult with his or her supervising physician.

COMPLAINTS AGAINST CERTAIN LICENSED PROFESSIONALS (Section 337.528)

The State Committee for Professional Counselors within the Department of Insurance, Financial Institutions and Professional Registration is allowed to remove unsubstantiated complaints made against licensed professional counselors by offenders who have been ordered into custody, detained, or held by the Department of Mental Health as sexually violent predators. Upon the written request of a licensed professional counselor subject to a complaint by these offenders prior to August 28, 2010, that did not result in disciplinary action, the committee and the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must destroy all documentation regarding the complaint, notify any other licensing board that was previously notified of the complaint of its actions, and send a letter to the licensee clearly stating that the complaint was unsubstantiated.

PHARMACY RECORD KEEPING (Section 338.100)

A licensed pharmacy is allowed to keep its records through a suitable electronic record-keeping system if the original written and faxed prescriptions are physically maintained on file at the pharmacy as required by state and federal controlled substance laws. All electronic records must be readily retrievable, and pharmacies may electronically maintain the original prescription and may electronically show an annotation reflecting any change to a prescription record.

REAL ESTATE BROKERS (Sections 339.010 - 339.845)

The bill changes the laws regarding the regulation of real estate brokers and salespersons to include a limited partnership, limited liability company, or professional corporation and specifies that "real estate broker" will include these types of companies and "real estate salesperson" will include a limited liability company, partnership, limited partnership, association, professional corporation, or corporation. The bill creates a new category of license for a real estate broker-salesperson and prohibits a real estate broker-salesperson from also operating as a real estate broker.

The Missouri Real Estate Commission within the Department of

Insurance, Financial Institutions and Professional Registration is required upon receiving notice from the Director of the Department of Revenue that a licensee is delinquent in paying his or her taxes to immediately send a copy of the notice to the real estate broker with whom the licensee is associated.

RESIDENTIAL CARE FACILITIES (Sections 344.010 and 344.020)

The Missouri Board of Nursing Home Administrators within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a separate license to the administrator of a residential care facility which was licensed as a residential care facility II on or before August 27, 2006, if it continues to meet all licensure standards for a residential care facility II in effect as of that date.

Anyone licensed to operate a residential care facility is not authorized to operate an intermediate care or skilled nursing facility.

EATING DISORDER COUNCIL (Sections 630.575 and 630.580)

The Missouri Eating Disorder Council is established within the Department of Mental Health. The department, in collaboration with the departments of Health and Senior Services, Elementary and Secondary Education, and Higher Education and in consultation with the council, is required to develop and implement certain specified educational and awareness programs regarding eating disorders.